

UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF WYOMING

STEPHANIE WADSWORTH,)
Individually and as Parent)
and Legal Guardian of W.W,)
K.W., G.W., and L.W., minor)
children, and MATTHEW)
WADSWORTH)

Plaintiffs,)

vs.)

WALMART, INC., and JETSON)
ELECTRIC BIKES, LLC,)

Defendants.)

No. 2:23-cv-00118-NDF

DEPOSITION OF MICHAEL J. SCHULZ

Tuesday, September 10, 2024

Roseville, California

REPORTED BY: Joy E. Shure, CSR No. 3659

1 to the outside.

2 It's also counter indicative that the fire came
3 from the outside and coming in because of those
4 temperatures. He couldn't have been there.

5 Q. Did you do any fire modeling in this case?

6 A. I did not.

7 Q. You're aware the fire modeling is an accepted
8 practice under NFPA 921 in helping to determine the
9 origin?

10 A. It's generally not held to determine the
11 origin. It can be used to evaluate your opinions, some
12 of which may be the origin.

13 Q. Once this fire initiates, you're going to get
14 products of combustion within that room; correct?

15 A. Correct.

16 Q. Have you done any analysis to determine what
17 level of products of combustion would have reached when
18 the boys woke up?

19 A. No.

20 Q. Are you aware of the fire modeling softwares
21 that are available?

22 A. Generally, yes.

23 Q. Have you ever done fire modeling?

24 A. In years past, yeah.

25 The models have become so complicated, unless

1 Q. Do you know, as you sit here today, how many
2 cells had expelled?

3 A. I don't know. I wasn't involved in that
4 examination.

5 Q. Do you know the manner in which the cells
6 expelled?

7 A. I don't. I'm not offering opinions on that.

8 Q. You have -- let me strike that.

9 With a fire that initiates from careless
10 disposal of smoking material, that generally can be a
11 smoldering type fire; correct?

12 MR. AYALA: Form.

13 THE WITNESS: It has a high likelihood to do
14 that, yes.

15 BY MR. LaFLAMME:

16 Q. Okay. And in saying "smouldering type fire,"
17 meaning that that is a fire that could initiate a
18 lengthy period of time after the actual careless
19 disposal of smoking materials occurs?

20 A. And before and after the flaming combustion,
21 yes.

22 Q. Meaning if Mrs. Wadsworth had smoked in the
23 smoking shed sometime between 1:30 and 2:00 a.m. and
24 this fire initiated sometime between 4:00 and 4:30 a.m.,
25 and assuming it was due to careless use of smoking

1 material, that time lapse is not unusual with careless
2 use of smoking material-generated fires?

3 MR. AYALA: Form.

4 THE WITNESS: No, it can't be used to exclude
5 that possibility.

6 BY MR. LaFLAMME:

7 Q. Meaning the time difference from which
8 Mrs. Wadsworth testified that she last smoked in the
9 smoking shed and the identification of this fire had it
10 started -- assuming it started in the smoking shed, that
11 time lapse would not exclude careless use of smoking
12 material?

13 A. No.

14 Q. Looking at Pages 56 to 59, this is a list of
15 all the evidence in this case; correct?

16 A. Correct.

17 Q. All right. And aside from visual observations
18 either in person or of photographs, you have not
19 physically inspected any of the evidence in this case?

20 A. Not as part of an evidence exam.

21 Obviously, I looked at the -- I looked at the
22 hoverboard the first time we were there. I looked at
23 the outlet. I looked at some of the branch wiring and
24 so forth, but I did not look at any of this evidence as
25 part of a subsequent organized laboratory inspection.